APPEAL NO. 010200

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 15, 2000. He held that the respondent (claimant) sustained bilateral carpal tunnel syndrome as a result of repetitive trauma at work and that she reported her injury to her supervisor within 30 days of her date of injury, which was _____. The hearing officer further held that the claimant had disability for the period from June 10 through September 4, 2000.

The appellant (carrier) appeals and argues that there is insufficient evidence that the claimant developed a repetitive trauma injury by her date of injury. The carrier also appeals the notice decision as well as the disability finding (based upon the lack of a compensable injury). The claimant responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

INJURY AND DISABILITY

The hearing officer did not err in finding that the claimant sustained a repetitive trauma injury in the course and scope of her employment and that it caused disability. The testimony of the claimant supplied a detailed description of the work in which she was employed, which was the cutting of metal strips ("leading edges") with a paper-cutting device, involving the pushing of a lever with her right hand up to 300 to 400 times a week, and the manual "deburring" of the cut edge of each strip. This involved holding down the strip by spanning the length of the strip with her left hand as she pushed out the slightly raised edges (or "burrs") along the freshly cut edge, front and back. The strips were eventually incorporated into jet engines. The claimant said she had a quota but could not recall what it was; she agreed that she produced, at the most, 150 strips per day. They were about six inches long, and one-half inch wide. Evidence was also produced that the claimant may not have performed this work the first couple of days of her employment and that her overall production may not have been as high as she stated. Statements were offered from other workers challenging the force (or trauma) needed to perform the task.

It was clear from the claimant's testimony that the stipulated date of injury was the first date the claimant felt any symptoms. As the hearing officer observes in his discussion, the claimant continued to work nearly another month after this date of injury. The effects of repetitive trauma are cumulative so long as exposure to the hazard continues. Consequently, although the carrier's peer review doctor disputes that the claimant could have developed her condition "in four days," the medical records he reviewed obviously showed the effects of a much longer period of repetition and cumulation of the disease.

The evidence supplied, including the medical evidence, was sufficient to support the determination of injury from the job and disability, and the hearing officer's resolution of conflicting evidence, is not against the great weight and preponderance of the evidence.

TIMELY NOTICE TO EMPLOYER

The hearing officer did not err in finding that the claimant gave timely notice of her injury to the employer. The claimant testified that beginning on _____, she complained of arm pain to her supervisor, Mr. B, and that he advised her she had to get stronger. She complained eight or nine times over the next month to Mr. B, who worked with her on various ways to minimize her pain. In this case, the hearing officer need not have found a specific date of notice when he believed that a number of complaints were made to Mr. B over the 30-day period following the injury.

We affirm the hearing officer's decision and order on all points appealed.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge